

1 JASON HONAKER SBN 251170
851 Burlway Road, Ste. 208
2 Burlingame, CA 94010
Telephone: (650) 259-9203
3 Facsimile: (877) 218-4033
jh@honakerlegal.com
4

5 Attorney for Debtor
Ophelia Alvarez
6

7 UNITED STATES BANKRUPTCY COURT
8 NORTHERN DISTRICT OF CALIFORNIA

9 In re:) Chapter 13
10 Ophelia Alvarez,) Bankruptcy No.: 19-30319
11 Debtor.) **SUPPLEMENTAL OPPOSITION TO**
12) **MOTION TO DISMISS CASE**
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

SUPPLEMENTAL OPPOSITION TO MOTION TO DISMISS CASE

15 The trustee filed a motion to dismiss this case shortly after the debtor missed a
16 continued meeting of creditors. Due to scheduling problems and missing documents,
17 progress was slow and an opposition was filed stating most issues would be resolved prior
18 to the hearing on the motion to dismiss. Most of those errors have in fact been resolved as
19 follows:
20

21 Debtor has addressed the noted problems as follows:

- 22 1) The debtor's 2018 tax return was provided to the trustee over a week ago.
- 23 2) The debtor's spouse 6 months' paystubs and the debtor's declaration regarding no
24 paystubs was provided to the trustee approximately one week ago.
- 25 3) Verification of social security income was provided to the Trustee approximately
26 one week ago.
- 27 4) Verification of debtor's pension/retirement income was provided approximately
28 one week ago.

- 1 5) The filed July 16th amended plan (docket no. 30) provides for the collateral
2 description, amount of arrears, monthly arrearage dividend, and the monthly arrearage
3 dividend start date.
- 4 6) The correct mortgage payment amount was \$2787.20 per the June proof of claim on
5 the mortgage. Both Schedule J and the plan have been updated to reflect this.
- 6 7) The declaration regarding post-petition payments was filed last week.
- 7 8) The amended plan of July 16th should correctly address the fixed payments issue.
8 Minor issues could be addressed by a further amendment or order confirming plan.
- 9 9) The July 16th amended plan, and notice thereof, was sent to a vendor for service
10 today.
- 11 10) Debtor's counsel should receive remaining needed information to file a motion to
12 avoid lien shortly. It is anticipated the lien can be resolved within a month.
- 13 11) The July 16th amended plan manually resolves the claim totaling error, which was
14 previously calculated by software.
- 15 12) Since debtor is well over the exemption limit, the exemptions were amended to
16 claim the ordinary \$100,000 exemption. In a prior bankruptcy, presumably based on
17 limited income, debtor had the higher exemption.
- 18 13) The exemptions were revised so only system 704 is used, and the amended
19 schedule C of exemptions was filed today.
- 20 14) The plan was fixed to describe debtor's home as the collateral.
- 21 15) The named creditors came to counsel's attention after a skeletal petition was filed.
22 They have been added manually via the ECF system. They will be included on the
23 service list for the plan being served by the vendor, and all parties will be served with
24 the notice of bankruptcy document.
- 25 16) A copy of the docket text of the court matter, the petition (equivalent to a
26 complaint), was sent to the trustee July 16th along with a copy of the court decision.
27 Further information is available for free, by entering debtor's name at:
28 http://www.sanmateocourt.org/online_services/odyssey_portals.php

1 17) The 2016b statement was filed July 16th.
2

3 Dated: July 16, 2019
4

5 /s/ Jason Honaker

6 Jason Honaker
7 Attorney for Debtor
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28